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Attorneys for Plaintiffs and the Proposed Classes

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DANIEL ROSENBAUM, *et al.*,

Plaintiffs,

v.

PERMIAN RESOURCES CORP., *et al.*,

Defendants.

CASE NO. 2:24-cv-00103-GMN-MDC

**PLAINTIFFS' MOTION TO
CONTINUE/EXTEND DEADLINE TO FILE
RESPONSE TO MOTION TO TRANSFER**

(First Request)

ANDREW CAPLEN INSTALLATIONS,
LLC, *et al.*,

Plaintiffs,

v.

PERMIAN RESOURCES CORP., *et al.*,

Defendants.

CASE NO. 2:24-cv-00150-GMN-MDC

1 THESE PAWS WERE MADE FOR
2 WALKIN' LLC, on behalf of itself and all
others similarly situated,

3 Plaintiffs,

4 v .

5 PERMIAN RESOURCES CORP., *et al.*,
6 Defendants.

CASE NO. 2:24-cv-00164-GMN-MDC

7 JOHN MELLOR, on behalf of himself and
8 all others similarly situated,

9 Plaintiff,

10 v .

11 PERMIAN RESOURCES CORP., *et al.*,
12 Defendants.

CASE NO. 2:24-CV-00253-GMN-MDC

13 BRIAN COURTMANCHE, *et al.*,

14 Plaintiff,

15 v .

16 PERMIAN RESOURCES CORP., *et al.*,
17 Defendants.

CASE NO. 2:24-cv-00198-GMN-MDC

18 LAURIE OLSEN SANTILLO, on behalf of
19 herself and all others similarly situated,

20 Plaintiff,

21 v .

22 PERMIAN RESOURCES CORP., *et al.*,
23 Defendants.

CASE NO. 2:24-cv-00279-GMN-MDC

24 RICHARD BEAUMONT, on behalf of
25 himself and all others similarly situated,

26 Plaintiff,

27 v .

28 PERMIAN RESOURCES CORP., *et al.*,
Defendants.

CASE NO. 2:24-cv-00298-GMN-MDC

1 BARBARA AND PHILLIP
2 MACDOWELL, individually and on behalf
of all others similarly situated,

3 Plaintiffs,

4 v .

5 PERMIAN RESOURCES CORP., *et al.*,

6 Defendants.

CASE NO. 2:24-cv-00325-GMN-MDC

7 WESTERN CAB COMPANY, individually
8 and on behalf of all others similarly situated,

9 Plaintiffs,

10 v .

11 PERMIAN RESOURCES CORP., *et al.*,

12 Defendants.

CASE NO. 2:24-cv-00401-GMN-MDC

**MOTION TO CONTINUE/EXTEND DEADLINE FOR RESPONSE TO MOTION TO
TRANSFER**

Plaintiffs in the above-captioned cases (“Plaintiffs”) jointly move for this Court to continue briefing and any hearing on the motion to transfer venue (ECF No. 157, “Motion to Transfer”) filed by Defendants in the above-captioned cases (“Defendants”) on March 22, 2024. Specifically, Plaintiffs ask that the response to the Motion to Transfer, which response is currently due April 10, 2024, instead be due pursuant to schedule promptly set by the judge presiding over this case after there is a ruling on Plaintiffs’ pending motion to recuse (ECF No. 156, “Motion to Recuse”), and that the reply deadline and any hearing on the Motion to Transfer also be set in such schedule.

Plaintiffs’ request for relief herein is based on their motions, the below declaration, the record of the case, and such argument as may be heard.

Counsel for Plaintiffs have met and conferred with counsel for Defendants regarding the relief sought herein, and they have indicated that Defendants oppose such relief.

Plaintiffs file this Motion to Continue because their Motion to Recuse is still pending, and further briefing and any hearing on Defendants’ substantive Motion to Transfer should await a determination on the Motion to Recuse. After the Motion to Recuse has been ruled on, the judge who presides over this case can best set further briefing and any hearing date for the Motion to Transfer.

For the reasons set forth herein, Plaintiffs respectfully request that this Motion to Continue be granted.

DATED: April 2, 2024

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*Local Counsel for Plaintiffs Daniel Rosenbaum,
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[ADDITIONAL COUNSEL BELOW]

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 As explained in Plaintiffs’ Motion to Recuse, based on (i) the disclosure by this Court
 3 (current judge for this case, the Honorable Judge Gloria M. Navarro) that it has ownership of a
 4 significant quantity of shares in Exxon Mobil Corporation (“Exxon”) and (ii) the existence of
 5 Exxon’s binding agreement to acquire Defendant Pioneer Natural Resources Company
 6 (“Pioneer”), Plaintiffs believe that this Court (Judge Navarro) should be recused from the above-
 7 captioned cases pursuant to 28 U.S.C. §§455(a) and/or 445(b)(4). *See, e.g.*, ECF No. 156 at 7
 8 (“The acquisition, therefore, is likely to close and secure for Exxon a direct ownership interest in
 9 Pioneer before any substantive issues in this controversy are resolved, including Defendants’
 10 [now-pending] motion to transfer. ”).

11 As anticipated in Plaintiffs’ Motion to Recuse, Defendants have now filed their Motion to
 12 Transfer, which makes no mention of Plaintiffs’ Motion to Recuse and seeks the transfer of the
 13 above-captioned cases pursuant to 28 U.S.C. § 1404(a) to the District Court for the Western
 14 District of Texas (Midland/Odessa Division) or, in the alternative, to the District Court for the
 15 Northern District of Texas or the District Court for the Southern District of Texas. *See, e.g.*, ECF
 16 No. 157 at 1 (arguing that “[t]hese cases should be transferred to Texas...”; “[t]he relevant events
 17 alleged in the complaints occurred in Texas”; “...Midland, Texas, which is centrally located in
 18 the shale-rich Permian Basin in the Western District of Texas, lies at the heart of the shale oil
 19 industry that is the subject of the complaints. ”).

20 The Motion to Recuse and Motion to Transfer are currently pending before this Court,
 21 with briefing schedules that are proceeding relatively in parallel to one another. However, it is
 22 essential that this Court rule on Plaintiffs’ Motion to Recuse before making a determination on
 23 substantive issues in these cases, such as whether or not Defendants’ assertions in their Motion to
 24 Transfer are true and whether or not those assertions warrant transfer in the opinion of this Court.
 25 *See United States v. Feldman*, 983 F.2d 144, 145 (9th Cir. 1992) (“Thus, when a judge determines
 26 that recusal is appropriate it is not within his discretion to recuse by subject matter or only as to
 27 certain issues and not others. Rather, recusal must be from a whole proceeding...”).
 28

1 This Motion to Continue the briefing and/or hearing on Defendants Motion to Transfer
2 should be granted to ensure that the Plaintiffs' Motion to Recuse is ruled upon by this Court prior
3 to the ruling on the Motion to Transfer. As such, Plaintiffs respectfully request the current April
4 10, 2024, deadline to file their response to the Defendants' Motion to Transfer be continued to a
5 set period after the Motion to Recuse is decided.

6
7
8 DATED: April 2, 2024

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16 *Reneldo Rodriguez, and Thomas Caron*

17 **[ADDITIONAL COUNSEL BELOW]**
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**DECLARATION OF CHRISTOPHER A. TURTZO IN SUPPORT OF MOTION TO
EXTEND TIME**

I, Christopher A. Turtzo, declare under penalty of perjury as follows:

1. I am an attorney at the law office of Morris, Sullivan & Lemkul, local counsel for the Plaintiffs in the Rosenbaum, et al case and working with counsel for all Plaintiffs in the above-captioned cases. I submit this declaration in support of Plaintiffs' Motion to Continue.

2. On April 1, 2024, a representative from the group of Plaintiffs' attorneys in the above-cases asked counsel for all Defendants if Defendants in the above-referenced actions would oppose the relief requested by Plaintiffs herein.

3. On the same day, Defendants advised that they oppose the requested relief sought by Plaintiffs.

I declare under penalty of perjury under the laws of the United States, including 28 U.S.C. sec. 1746, that the foregoing is true and correct.

Dated: April 2, 2024

/s/ Christopher A. Turtzo, Esq.

Christopher A. Turtzo, Esq.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of MORRIS, SULLIVAN & LEMKUL, LLP, and that I caused a true and correct copy of the foregoing Motion to Extend Time to be served via Electronic Service to all parties and counsel identified on the CM/ECF System via electronic notification on this 2nd day of April, 2024.

/s/Dominique Rocha

An Employee of Morris, Sullivan & Lemkul, LLP